

Robert J. Phillips  
Christopher V. Fagan  
PHILLIPS HAFNEY PC  
283 West Front, Suite 301  
Post Office Box 8569  
Missoula, MT 59807-8569  
Phone: (406) 721-7880  
Facsimile: (406) 721-0058

*Attorneys for Defendant Markus Kaarma*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

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CELAL DEDE, Individually and as	)	
Personal Representative of the Estate of	)	Cause No.: CV-15-16-M-DWM
Diren Dede, Deceased and on behalf of	)	
GULCIN DEDE, BASAK DEDE, and	)	
ESRA DEDE,	)	
	)	<b>DEFENDANT MARKUS</b>
	)	<b>KAARMA’S BRIEF IN RESPONSE</b>
Plaintiff,	)	<b>TO PLAINTIFF’S REFILED</b>
	)	<b>MOTION FOR COURT ORDER</b>
-vs.-	)	<b>TO EFFECTUATE SETTLEMENT</b>
	)	<b>AGREEMENT</b>
MARKUS KAARMA and JANELLE	)	
PFLAGER,	)	
	)	
Defendants.	)	

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Defendant Markus Kaarma (“Kaarma”) hereby respectfully submits the following Brief In Response to Plaintiff Celal Dede’s (“Plaintiff”) refiled Motion for Court Order To Effectuate Settlement Agreement.

On August 4, 2015, Plaintiff withdrew his previously filed Motion dated July 29, 2015. Doc. 41. The same Motion was refiled on August 3, 2015, in compliance with Local Rule 7.1(d)(1)(A). Doc. 39-40. Plaintiff's refiled motion requests the same relief and generally makes the same arguments as those in Plaintiff's withdrawn motion, with the following exceptions: (1) Plaintiff's refiled brief adds the argument that the Court has jurisdiction over the settlement and its terms entered into in this case; and (2) Plaintiff adds as an exhibit the Affidavit of David Paoli which attempts to provide foundation for submitting as evidence the jailhouse recording referenced on pages 3-4 in Plaintiff's brief. Doc. 40.

Kaarma has previously addressed Plaintiff's request for the Court's order effectuating settlement in Kaarma's Response Brief dated July 31, 2015. Doc. 38. Since Plaintiff's refiled arguments are essentially identical, Kaarma hereby incorporates by this reference the authorities and arguments already made in Kaarma's previously filed response brief. Plaintiff's Motion should be denied.

DATED this 7<sup>TH</sup> day of August, 2015.

/s/ Robert J. Phillips

Robert J. Phillips

PHILLIPS HAFHEY PC

*Attorneys for Defendant Kaarma*

## CERTIFICATE OF SERVICE AND COMPLIANCE

Pursuant to Rule 7.1(d)(2)(E) of the Local Rules of the U.S. District Court for the District of Montana, I certify that this brief contains 190 words, excluding the caption and certificate of service/notice of compliance.

I further certify that I served a copy of the foregoing document on the following persons by the following means:

<u>1-4</u>	CM/ECF
_____	Hand Delivery
_____	Mail
_____	Overnight
_____	Fax

1. Clerk, U.S. District Court
2. David Paoli  
Paoli Kutzman, P.C.  
P.O. Box 8131  
Missoula, MT 59807-8131  
**Attorneys for Plaintiff**
3. Scott Gratton  
BROWN LAW FIRM, P.C.  
210 E. Pine, Suite 200  
Missoula, MT 59802  
**Attorneys for Pflager**
4. Adam Shaw  
BROWN LAW FIRM, P.C.  
210 E. Pine, Suite 200  
Missoula, MT 59802  
**Attorneys for Pflager**

DATED this 7<sup>TH</sup> day of August, 2015.

\_\_\_\_\_  
/s/ Robert J. Phillips  
Robert J. Phillips  
PHILLIPS HAFLEY PC  
*Attorneys for Defendant Kaarma*